

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

DIANE E. MCCAULEY

vs.

CASE NUMBER: 5:08-CV-67 (FJS/VEB)

MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendation of Magistrate Judge Victor E. Bianchini is ADOPTED in its entirety, the Defendant's Motion for Judgment on the Pleadings is DENIED, the decision of the Commissioner is REVERSED and this case is REMANDED for further proceedings consistent with the Report & Recommendation.

All of the above pursuant to the order of the Honorable Judge Frederick J. Scullin, Jr., dated the 15th day of December, 2009.

DATED: December 16, 2009


Clerk of Court

s/

Joanne Bleskoski
Deputy Clerk